

REMARKS

The present response is filed with a Request for Continued Examination (RCE), and is to the Office Action mailed in the above-referenced case on April 13, 2004, made Final. Claims 16-21 are presented below for examination. The Examiner has rejected claims 17 and 19 under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 16-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Tso et al. (U.S. 6,047,327), hereinafter Tso.

Applicant has carefully studied the prior art reference cited and applied by the Examiner, and the Examiner's rejections and statements of the instant Office Action. In response to the Examiner's above merit rejections, applicant herein amends the claims to more particularly point out and distinctly claim the subject matter of applicant's invention regarded as patentable, and further to overcome the Examiner's 112 rejections.

Applicant herein amends the language of claim 16 to specifically recite that the multimedia files transmitted to the portable playback device are e-mails and the network-connected server is an e-mail server. Applicant reproduces claim 16 below as amended.

Claim 16 now recites:

16. *A system for delivering emails to a user, comprising:*
- a network-connected server for receiving and processing the emails files;*
 - a wireless transmission facility in communication with the network-connected server, for transmitting the emails; and*
 - a portable playback device enabled to receive the emails transmitted by the transmission facility and to display the emails as text to the user.*

Applicant's independent claim 19 recites the method of the present invention for delivering multimedia files to a user in accordance with the limitations of claim 16. Applicant accordingly amends the language of claim 19 similarly to claim 16 agreeing in language and reciting the same patentable subject matter. Depending claims 17 and 20 are accordingly herein canceled.

The Examiner has stated in the instant Office Action that, regarding depending claim 17, Tso taught that the multimedia files are e-mails, and a network-connected server is an e-mail server (col. 10, lines 27-41). Applicant respectfully disagrees, and points out to the Examiner that the network-connected server of Tso is not an e-mail server, the files transmitted to the device of Tso are not e-mail files, and the portable device of Tso is not capable of downloading and displaying e-mail files.

Referring now to the portion of Tso referred to by the Examiner (col. 10, lines 27-41), it is clear to applicant that the portion does not teach an Internet-connected e-mail server transmitting e-mail files to the portable device, wherein an e-mail client software executing on the portable device enables download and display of the e-mail file, as is now specifically recited in applicant's base claims. The "InfoBites" of Tso are not e-mails at all; rather, they are a simple collection of information bits created by the InfoFeed Interface 57 from the e-mails, and presented to the user's portable device in simple textual form. The device of Tso has no capability of downloading or displaying the e-mail file in its original form. Further, any attachments to e-mails are also pre-processed by InfoFeed Interface 57 into similar data form to that of the InfoBites representing e-mails, and are stored in a data center for possible later download to the user's portable device, if the user so chooses, and only by subsequent request from the user.

In any case, Tso teaches that InfoFeed Interface 57 allows the content providers to create InfoBites by sending e-mail messages with attachments, and it is the InfoBites which are sent to the remote portable device. Tso fails to teach or suggest wherein the multimedia files transmitted to the portable playback device

are the actual e-mail files in their original form, and the network-connected server is an e-mail server, and an e-mail client software executing on the portable playback device enables remote download of the e-mails from the network to the portable device. Although the teaching of Tso does suggest the ability of the portable device to download URLs pointing to Web sites, or simple HTML files such as maps, restaurant menus, and so on, a user must initiate such actions by responding to prompts (InfoActions) within the InfoBites, and often must also download any "helper" applications required in processing the downloaded data.

Applicant's invention, in contrast, teaches that an e-mail client software executable on the portable device could be used to wirelessly download the e-mail files directly from an Internet-connected e-mail server, which does not require an interface for parsing or extracting data from the e-mail into "InfoBites", such as in the InfoFeed Interface 57 taught by Tso. The user of the remote portable device of applicant's invention, is thereby not required to respond to prompts, etc., in the original data transmittal, in order to view all of the contents of an original e-mail file. The e-mail file is downloaded to the user's device and presented to user via the device display in its original form and format.

The reference of Tso fails to specifically teach all of the limitations of applicant's independent claims 16 and 19, as amended to recite the new limitations argued above by applicant, and therefore fails as a primary reference for the prima facie rejection. Claims 16 and 19 are therefore now clearly and unarguably patentable over the reference of Tso. Depending claims 17 and 20 are herein canceled, and depending claims 18 and 21 are then patentable on their own merits, or at least as depended from a patentable claim.

As all of the claims standing for examination have been shown to be patentable as amended over the art of record, applicant respectfully requests reconsideration, and that the present case be passed quickly to issue. If there are any time extensions needed beyond any extension specifically requested with this amendment, such extension of time is hereby requested. If there are any fees due

beyond any fees paid with this amendment, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully submitted,

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